

UNITED STATES OF AMERICA

ADRIAN EDWARDS,

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

OPINION AND ORDER

By: James P. Jones
United States District Judge

The defendant has filed a pro se “Motion Under 21 [sic] U.S.C. § 3582(c) Reduction of Sentence,” in which he seeks to reduce his sentence because of a later amendment to the U.S. Sentencing Guidelines. The motion will be denied.

The defendant was sentenced by this court on October 5, 2007, to 70 months imprisonment. He asserts that he is entitled to a sentence reduction because thereafter the Sentencing Commission adopted an amendment to the Sentencing Guidelines, removing the so-called “recency” provision, which increased his criminal history by two history points. *See* U.S. Sentencing Guideline Manual (“USSG”) app. C, amend. 742 (Nov. 1, 2010). According to the defendant, if this amendment were applied to him, he would be eligible for a reduction in sentence pursuant to 18 U.S.C.A. § 3582(c)(2) (West 2000).

Only amendments listed in USSG § 1B1.10(c) (2010) may be the subject of a motion under 18 U.S.C.A. § 3582(c)(2). *United States v. McHan*, 386 F.3d 620, 622 (4th Cir. 2004); *United States v. Rader*, No. 1:04CR00071, 2009 WL 3667075, at *1 (W.D. Va. Nov. 4, 2009), *aff'd*, 371 F. App'x 412 (4th Cir. 2010). Amendment 742 is not listed in § 1B1.10(c) and cannot be applied retroactively to Edwards' case.

For the foregoing reasons, it is **ORDERED** that the defendant's motion (ECF No. 38) is DENIED.

ENTER: January 19, 2011

/s/ JAMES P. JONES

United States District Judge